
Board of Health Minutes 03/19/2015

Town of Mashpee

*16 Great Neck Road North
Mashpee, Massachusetts 02649*

BOARD OF HEALTH – PUBLIC SESSION

Minutes of the Meeting of March 19, 2015

Board Members Present:

Lucy Burton, Chair
Burton Kaplan, Co-Chair
Kalliope Egloff, Clerk

Also Present:

Glen Harrington, Health Agent

Chair Lucy Burton called the meeting to order at 7:00 PM.

APPOINTMENTS**7:15 PM – Stuart & Christine Nixdorff – Innovative/Alternative O & M Violation – 18 Little Neck Lane.**

Glen Harrington remarked that no contact has been made with the owner of 18 Little Neck Lane, and the certified green card has not been returned to the Board of Health. Mr. Harrington was not able to obtain access into the Barnstable County database in order to check the recent status of the property.

Mr. Harrington has requested a continuance to the next Board of Health meeting scheduled on April 2, 2015, in order to follow-up with Barnstable County.

Burton Kaplan made a motion that the Board of Health continue discussion for 18 Little Neck Lane to the next Board of Health meeting scheduled on April 2, 2015.

7:20 PM – Stephen Kota – Innovative/Alternative O & M Violation – 8 Mutiny Way.

Glen Harrington commented that the last inspection performed at 8 Mutiny Way was September 2012. Mr. Harrington contacted Steve Nelson of Clearwater Recovery in Rockland, Massachusetts, and was informed that the contract had lapsed in March 2013. The Board of Health enforcement schedule states if it has been more than one year since notification without a contract or servicing of the system, then a fine of \$300 is to be issued. The owner of 8 Mutiny Way is in the process of obtaining a contract, but it has been two years.

Kalliope Egloff made a motion that the Board of Health issue a fine of \$300 to Stephen Kota of 8 Mutiny Way for violation of 310 CMR 15.00 per Board of Health regulations. Burton Kaplan seconded the motion. The motion was unanimously approved.

7:25 PM – Daniel Ojala, PE, Down Cape Engineering – Commercial Site and Septic – 161 Commercial St

Daniel Ojala of Down Cape Engineering, representing Jack Carter purchaser of 161 Commercial Street, introduced himself to the Board.

Mr. Ojala commented that the property located at 161 Commercial Street is a large industrial property within the industrial park. The uses are strictly automotive repair and automotive sales, principally sales. Jack Carter is planning to relocate his classic cars from Nicoletta's Way to this property. There will be a display area out front with two employees, which will not create much flow. Two service bays are proposed for repairs to classic cars and public vehicles. The septic system is designed for 590 gallons per day which is below the 600 gallons per day threshold; therefore, a denitrification system is not required. The septic flow was designed for a number of employees, the two lifts, and the office area. Commercial buildings with trucks are required to have floor drains which must be connected to a tight tank. This is a dual compartment tank -- double walls with alarms. It's a non-hazardous industrial waste water holding tank. Tests are performed after installation to be sure there are no leaks, and the alarms are working properly. There are no variances requested for this property.

Lucy Burton remarked that the owner should be aware of the Board of Health requirements for Commercial Buildings.

Glen Harrington listed the Board of Health requirements for Commercial Buildings as follows:

- MDC-type catch basins and leaching structures. An executed contract for servicing the MDC-type catch basins shall be provided to the Board of Health prior to the issuance of a Certificate of Occupancy.
- Safety Data Sheets (SDS) shall be kept on premises in bound notebooks for all hazardous products. The SDS shall be available for inspection by an agent of the Board of Health.
- Hazardous materials shall be limited in volume to 200 pounds dry weight and 220 gallons of liquid storage. Hazardous waste shall be limited according to 310 CMR 30.00, Massachusetts Hazardous Waste Regulations. Storage of hazardous materials outside is prohibited. An executed contract for the removal of hazardous waste from the facility by a licensed hazardous waste removal company shall be provided to the Board of Health prior to issuance of a Certificate of Occupancy.
- All changes in tenancy and/or use of each unit shall be approved by the Board of Health prior to issuance of a lease or sale of each unit.
- Board of Health regulations Part IX, Section 5.00 requires the installation of the reserve area to be installed at the same time as the primary leaching area.
- Washing machines are prohibited on Title V Systems. They are considered industrial discharge and require municipal sewer or industrial tight tanks.
- Boat washing is considered industrial discharge and must be approved by the Board of Health.
- Operations shall not cause a "nuisance" or the operation will be considered a noisome trade.

Burton Kaplan made a motion that the Board of Health approve the Title V Commercial Site and Septic Plan for 161 Commercial Street subject to all of the conditions listed above by the Health Agent and copies of which have been provided to the applicant's representative. Kalliope Egloff seconded the motion. The motion was unanimously approved.

7:30 PM – Matt Costa, Cape & Islands Engineering – Title V Variances – 31 Amy Brown Road.

Matt Costa of Cape & Islands Engineering, representing Joseph Biknaitis of 31 Amy Brown Road, requested a continuance to the next Board of Health meeting scheduled on April 2, 2015.

NEW BUSINESS

1. Sign Expense Warrant. The Board members signed the expense warrant.

2. Review/Approve BOH Public Session Minutes: February 26, 2015.

Kalliope Egloff made a motion that the Board of Health approve the Public Session minutes of February 26, 2015, as amended. Burton Kaplan seconded the motion. The motion was unanimously approved.

3. Nomination of Animal Inspector: Veronica Warden.

Lucy Burton made a motion that the Board of Health nominate Veronica Warden for the position of Animal Inspector for the period of May 1, 2015, through April 30, 2016. Burton Kaplan seconded the motion. The motion was unanimously approved.

4. Definitive Subdivision Plan: 424 Whittings Road.

Glen Harrington commented that the property located at 424 Whittings Road is proposed to be subdivided into three lots: two residential and one open space. The property is in Zone II, and each residential property is limited to two bedrooms each. The open space may be used for nitrogen credits to obtain an additional two bedrooms for each lot. This property will also be connected to town water.

Burton Kaplan made a motion that the Board of Health approve the Definitive Subdivision Plan at 424 Whittings Road. Lucy Burton seconded the motion. The motion was unanimously approved.

5. Request for 2015 Incidental Retail Food Permit: Maximum Nutrition Centers of Cape Cod (14 Joy St)

Glen Harrington commented that Maximum Nutrition Centers of Cape Cod is strictly retail. Veronica Warden, Assistant Health Agent, conducted a pre-opening inspection of the premises located at 14 Joy Street.

Burton Kaplan made a motion that the Board of Health approve the Incidental Retail Food Permit for Maximum Nutrition Centers of Cape Cod located at 14 Joy Street. Lucy Burton seconded the motion. The motion was unanimously approved.

6. NSTAR Right of Way Herbicide Spraying of Electrical Easement: Comments to Selectmen.

Glen Harrington remarked that the public comment period for the NSTAR right of way herbicide spraying has been extended to May 11, 2015.

OLD BUSINESS

1. Innovative/Alternative Maintenance Violation: 50 Popponeset Island Road.

Glen Harrington remarked that the Innovative/Alternative Maintenance Violation at 50 Popponeset Island Road has been resolved.

2. Mobile Food Regulation.

Glen Harrington commented that the draft regulation for mobile food is according to Town Counsel's comments. Town Counsel wanted to include a jurisdiction defining a mobile food unit. Mr. Harrington located a description applicable to Mashpee's definition. Town Counsel also reviewed the penalties because of the non-criminal disposition, and stated that using the permit as leverage is the best option.

Lucy Burton made a motion that the Board of Health approve the Mobile Food Regulation as revised by the Health Agent. Burton Kaplan seconded the motion. The motion was unanimously approved.

3. Housing Violations: 140 Noisy Hole Road.

Glen Harrington stated that at the last meeting on February 26, 2015, the Board voted to extend the timeframe for compliance of the septic system. The Certificate of Compliance was to be issued by March 16, 2015. The fines issued for non-compliance from violations identified during the March 2013 housing inspection were to be discussed at this meeting.

The septic was installed on March 12, 2015. The final inspection for a dirt berm around the system has not yet been performed. The berm was required so no vehicles have access to the Soil Absorption System. Scott Torrey, the installer, was to contact the Board of Health to verify this in the field. The water line was connected with a meter installed on March 16, 2015, according to the Mashpee Water District.

On February 27, 2015, the Assistant Health Agent witnessed that the stove was removed from the garage apartment, and the switch and light in the main dwelling were operational. The Building Inspector reported that the electric heat was disconnected to the garage apartment.

Lucy Burton commented that the old fines need to be addressed, and a decision made. The Board, Glen Harrington, and Attorney Kevin Korrane discussed the fines for the electric meter and the smoke detectors. The electricity had been paid by the owner, so no violation exists. The smoke detectors were eventually installed; however, the Board of Health was never contacted to verify the installation. The Board felt that a \$500 fine would be reasonable.

Kalliope Egloff made a motion that the Board of Health fine the owner of 140 Noisy Hole Road \$500, reduced from \$11,000, for a smoke detector violation. Burton Kaplan seconded the motion. The motion was unanimously approved.

ADDITIONAL TOPICS

None.

DISCUSSION

1. The Lanes.

Glen Harrington commented that The Lanes was placed on the Agenda in error. There is no discussion on this topic.

2. Asher's Path Landfill Monitoring Report – February 2015.

Glen Harrington remarked that he has no comments for Asher's Path Landfill Monitoring Report. He only wanted to make the Board of Health aware of the report.

Lucy Burton made a motion that the Board of Health adjourn the Public Session, to enter into Executive Session, not to return to the Public Session.

Roll Call Vote: Lucy Burton, yes; Burton Kaplan, yes; Kalliope Egloff, yes.

NEXT MEETING

The next meeting of the Board of Health is scheduled for Thursday, April 2, 2015, at 7:00 PM. As there was no further business, Burton Kaplan made a motion to adjourn the Public Session Meeting of the Board of Health at 7:50 PM. Lucy Burton seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos
Administrative Assistant
Mashpee Board of Health

attachments